
Iowa Legislative Services Agency

Fiscal Services

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Adult Drug Courts

ISSUE

This *Issue Review* provides information on Adult Drug Courts in Iowa, reviews funding, and reports success rates.

AFFECTED AGENCIES

Department of Corrections
Community-Based Corrections
Judicial Branch
Department of Public Health
State Public Defender's Office

CODE AUTHORITY

Chapters 13B, 125, 602, 904, and 905, Code of Iowa

BACKGROUND

Adult Drug Courts are currently funded in all eight Community-Based Corrections (CBC) District Departments. Drug Courts serve as an alternative to prison for offenders whose substance abuse problems have led to crime. The goals of Drug Court are to reduce recidivism, thereby reducing substance abuse related crimes and victims, and the number of drug addicts sentenced to prison. An offender can be sentenced to Drug Court at any time after their arrest or upon conviction, and throughout probation or parole supervision.

Two models are used for Adult Drug Court in Iowa. The Community Panel Drug Court Model operates in the Second and Third CBC District Departments and the Judicial Model operates in the First, Fourth, Fifth, Sixth, Seventh, and Eighth CBC District Departments. The Community Panel Drug Court Model involves intensive correctional supervision with regular testing for drug or alcohol use, substance abuse treatment, and regular accountability reviews by a panel of volunteer community members. The Community Panel Model has a supporting judge affiliated with each District Department's program. The Judicial Model also requires intensive correctional supervision, testing for drug or alcohol use, substance abuse treatment,

and regular accountability reviews by the Drug Court Team. The Judicial Model requires the direct participation of a judge on the Drug Court Team.

To be eligible for Drug Court, a person must have a substance abuse problem which led to, or contributed to, their involvement in the criminal justice system. Those convicted of selling drugs primarily for profit are not considered for Drug Court, unless they sold drugs solely to support their addiction. Over half the participants were convicted of drug crimes and one-third were convicted of property crimes. Over 80.0% are at a high or very high risk to recidivate.

CURRENT SITUATION

The current prison population is approximately 8,900 inmates. The 2006 Prison Population Report predicts an increase of approximately 2,500 prisoners by 2016, resulting in an estimated population of 11,400 inmates. One contributing factor to the constant growth is the high level of admissions for drug offenders, the most common type of new prison admission. New admissions for drug offenses have increased by 65.4% over the last 10 years. The chart below provides the inception date, model type, average caseload, and average cost for Drug Courts in Iowa.

Drug Courts: Model, Average Population and Average Cost

<u>District Department</u>	<u>Fiscal Year Started</u>	<u>Model (Judicial or Community Panel)</u>	<u>Average Monthly Caseload</u>	<u>Average Daily Cost</u>
1	2006	Judicial	18	\$28.62
2	2001	Community Panel	43	\$13.07
3	1999	Community Panel	68	\$5.48
4	2000	Judicial	38	\$20.46
5	1997	Judicial	96	\$9.83
6	2008	Judicial	NA	NA
7	2003	Judicial	22	\$21.94
8	2007	Judicial	10	\$32.58

NOTES:

The Sixth District Department is beginning implementation of two Drug Courts in FY 2008.

The Eighth District Department started a Drug Court in January 2007 (FY 2007). In this District, current population was used rather than monthly averages during the start-up period.

The average daily cost is a function of the average caseload and budget structure. Generally, Drug Courts that have been in operation longer, have a larger caseload, and a lower cost per offender. Some District Departments have budgeted funds for substance abuse treatment. Other District Departments rely on the substance abuse managed care system that is funded through the Department of Public Health.

BUDGET IMPACT

The average direct cost for a Drug Court participant is approximately \$10,400. This amount is based on an average length of stay of 662 days in the Drug Court, followed by a year of supervision on probation. This is a direct program cost; administrative costs are not included. The average cost for new prison admissions is approximately \$31,600. This amount is based on an average

length of stay in prison of 20.1 months, followed by a year on parole. This estimate includes all costs, direct and indirect, of the prison system. The average cost for Drug Court and prison are incurred in multiple fiscal years. While the two costs are not directly comparable, there does appear to be cost containment generated by Drug Courts.

According to the Department of Corrections (DOC), approximately 85.0% of offenders released from prison do not return to prison within one year of release. Based on preliminary data from the DOC, 90.7% of higher risk offenders that successfully complete the Drug Court do not recidivate within one year.

The Criminal and Juvenile Justice Planning Division of the Department of Human Rights is completing a longitudinal analysis of Iowa's Drug Courts. The report will be available in 2008 and will provide definitive outcome data, a cost/benefit analysis, and comparison of recidivism rates.

House File 907 (FY 2008 Healthy Iowans Tobacco Trust Appropriations Act) appropriates \$4.0 million to the Department of Corrections, of which \$1.4 million is dedicated to the Drug Court Programs operated by the CBC District Departments. Ending balances have been declining over the last few fiscal years, for both the Endowment for Iowa's Health Account and the Healthy Iowans Tobacco Trust. The ending balance for the Endowment for Iowa's Health Account for FY 2008 is projected to be \$33.6 million. The ending balance is projected to be a budget shortfall of \$17.9 million in FY 2009, if no changes are made in appropriations. The Healthy Iowans Tobacco Trust Fund's ending balance for FY 2008 is projected to be \$55,000, with a budget shortfall projected for FY 2009. The projected shortage could impact funding levels for the Drug Courts.

ALTERNATIVES

Adult Drug Courts are a collaborative effort between the CBC District Departments, Judicial Branch, County Attorney Offices, Public Defender's Offices, the Department of Corrections, local law enforcement, treatment programs, and local communities. Drug Courts appear to be a cost containment option for the State by providing offenders with an alternative to prison. Based on preliminary data, it appears successful Drug Court participants have a lower recidivism rate than similar offenders in the prison system or the community.

Due to declining funding in the Healthy Iowan's Tobacco Trust Fund, the General Assembly may want to consider other funding sources for this Program such as the General Fund. For the General Fund to absorb these Programs, it will require an annual appropriation of approximately \$1.4 million.

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